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10/798,121	03/11/2004	Andre Lavoie	028750.0026-US04	8801
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LUDWIG, MATTHEW J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,121

Applicant(s)

LAVOIE ET AL.

Examiner

MATTHEW J. LUDWIG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action is in response to the amendment received 10/24/2008.
2. Claims 1-69 are currently pending in the application. Claims 1, 39, 58, 60, 68, and 69 are independent claims.
3. Claims 1-69 rejected under 102(c) as being anticipated by Spielberg have been withdrawn pursuant to applicant's amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., PGPub. US 2006/0277453 filed (6/1/06).**

In reference to independent claim 1, Smith teaches:

‘a storage medium comprising security disclosure data in an audio format
a processor for receiving the audio security disclosure data at a first time and for
inserting a first marker therein; and
said processor for creating a text adapted to be visually displayed directly from
the audio security disclosure data at a second time subsequent to the first time and for

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inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security disclosure data'

The reference provides a database for storing data in audio files as well as other formats. The database disclosed within the reference to Smith delivers the information to the sync engine and through the sync engine, eventual presentation on a user interface. See page 6, [0086 through 0090].

The sync engine receives system inputs that establish synchronization points. Sync pints refer to a specific

Smith teaches a method for creating subtitles from transcript files that are adapted to be visually displayed directly from the association between the audio file and the transcript file. The reference provides a means of creating text directly from the audio data (See page 4, 0052 through 0059).

A reference is made to the HTML transcript files and how they are re-wrote using anchor tags. The anchor tags allow the user to select specific words and create markers based upon the streaming media file. The locations selected by the user correspond to the audio file presentation and therefore allow for second markers to be placed in the text. See page 3, [0041 through 0048].

In reference to dependent claim 2, Smith teaches:

transcript files utilized with mixed-media presentations and provide subtitles to be presented along with mixed-media presentations. See page 2, [0031].

In reference to dependent claim 3, Smith teaches:

The user establishes a synchronization point to which the static media file is matched. Sync engine is the tool used for this process and the user interacts with sync engine via user interface. See figure 4 and page 4, [0050].

In reference to dependent claim 4, Smith teaches:

Figures 6b and 7 provide illustrations of how the first sync audio data and second transcript data are presented to user on a user interface and figure 4 presents user with a means of modifying presentation attributes.

In reference to dependent claim 5, Smith teaches:

Figures 6b and 7 provide illustrations of how the first sync audio data and second transcript data are presented to user on a user interface and figure 4 presents user with a means of modifying presentation attributes.

In reference to dependent claim 6, Smith teaches:

The reference discloses a time marker associated with the streaming media file and the mixed-media presentation. See page 5, [0069 through 0070].

In reference to dependent claim 7, Smith teaches:

The insertion of the second sync point is based upon time when the sync engine received the words selected and creates the content definition files. See page 4, [0050].

In reference to dependent claim 8, Smith teaches:

Figure 7 allows for both static media files and subtitles to be synchronized based upon points related to specific information. See page 5, [0072] and figure 7.

In reference to dependent claim 9, Smith teaches:

Figure 4 illustrates the output of the processor to the user interface. The user interface displays visual data, transcript data, and audio data using the tools of the mixed-media presentation device.

In reference to dependent claim 10-22, Smith teaches:

A means of selecting through the sync engine multiple data formats and synchronizing data. The presentation device is used to allow for modification of data and as such provides a means of selecting items that have been synchronized and provide new sync points. See page 5, [0080]. The dependent claims recite language for a user interface and selectable connections for various types of formats. The selection of which will enable said processor to deliver different synchronized data. The reference to Smith provides a similar feature when it describes a means of modifying sync points and allowing for the modifications to be presented through the user interface.

In reference to dependent claim 23, Smith teaches:

Time based synchronization points are made based upon the audio data and allow for both transcript files and static presentation files to be synchronized with the audio data. See page 3, [0044 through 0045].

In reference to dependent claim 24, Smith teaches:

Having the words in markup format allows a user to "select" individual words to synchronize. Moreover, it allows the user to designate breaks in the transcript (sections) that correspond to the starting point and ending points for the subtitles. See page 4, [0057 through 0058].

In reference to dependent claim 25, Smith teaches:

The sync engine place markers (figure 7) in the streaming media file, the static file, and the text. All three are presented using the user interface and are illustrated in figure 4.

In reference to dependent claim 26-35, Smith teaches:

A means of selecting through the sync engine multiple data formats and synchronizing data. The presentation device is used to allow for modification of data and as such provides a means of selecting items that have been synchronized and provide new sync points. See page 5, [0080]. The dependent claims recite language for a user interface and selectable connections for various types of formats. The selection of which will enable said processor to deliver different synchronized data. The reference to Smith provides a similar feature when it describes a means of modifying sync points and allowing for the modifications to be presented through the user interface.

In reference to dependent claim 36, Smith teaches:

When an input is received sync engine queries streaming media file to obtain a time marker. See page 4, [0052].

In reference to dependent claim 37, Smith teaches:

Having the words in markup format allows a user to "select" individual words to synchronize. Moreover, it allows the user to designate breaks in the transcript (sections) that correspond to the starting point and ending points for the subtitles. See page 4, [0057 through 0058].

In reference to dependent claim 38, Smith teaches:

Time based synchronization points are made based upon the audio data and allow for both transcript files and static presentation files to be synchronized with the audio data. See page 3, [0044 through 0045].

In reference to dependent claim 39, the claim recites similar limitations for carrying out the synchronization steps as disclosed within independent claim 1. Therefore, the claim is rejected under similar rationale.

In reference to claims 40-43, Smith teaches:

Inputs are received by a user and can be provided at any point within the media data and therefore would allow for the insertion of said marker based on phonemes, sections, metadata, and patterns. See page 4, [0050].

In reference to claims 44-52, Smith teaches:

Having the words in markup format allows a user to "select" individual words to synchronize. Moreover, it allows the user to designate breaks in the transcript (sections) that correspond to the starting point and ending points for the subtitles. See page 4, [0057 through 0058]. A means of selecting through the sync engine multiple data formats and synchronizing data. The presentation device is used to allow for modification of data and as such provides a means of selecting items that have been synchronized and provide new sync points. See page 5, [0080]. The dependent claims recite language for a user interface and selectable connections for various types of formats. The selection of which will enable said processor to deliver different synchronized data. The reference to Smith provides a similar feature when it describes a means of modifying sync points and allowing for the modifications to be presented through the user interface.

In reference to dependent claim 53, Smith teaches:

The subtitles created by the sync eng are summaries input by the user intended to further describe the media stream. See page 4, [0056 through 0058].

In reference to dependent claim 54-57, Smith teaches:

The presentation device is used to allow for modification of data and as such provides a means of selecting items that have been synchronized and provide new sync points. See page 5, [0080]. The dependent claims recite language for a user interface and selectable connections for various types of formats. The selection of which will enable said processor to deliver different synchronized data. The reference to Smith provides a similar feature when it describes a means of modifying sync points and allowing for the modifications to be presented through the user interface. Any of the data presented within figure 4 of the presentation interface that is modified would be based upon sections, patterns, colors, and metadata.

In reference to dependent claim 58-69, the claims recite similar language for carrying out multi-aligned formatted data as stated within claims 1-25. The claims are rejected under similar rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-69 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the claims and added language related to the text being adapted to be visually displayed directly from the audio security disclosure data at a second time subsequent to the first time and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security disclosure

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data. The language changes the scope of the invention when the claim is read as a whole.

Therefore, the new reference was used to address the newly amended claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
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ML

